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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/560,392 | 04/28/2000 | Michael Wayne Brown | AUS000029US1 | 3336 |

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EXAMINER

DURAN, ARTHUR D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3622

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,392

Applicant(s)

BROWN ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-49, 51-55 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-49, 51-55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 45-49, 51-55, and 57-59 have been examined.

Response to Amendment

2. The Amendment filed on 7/25/04 is sufficient to overcome the Katz reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 45-49, 51-55, and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug (6,823,327) in view of Meyer (6,915,271) in view of Gardenswartz (6,055,573).

Claims 45, 48, 49, 51, 54, 55, 57: Klug discloses a method, system, program for automatically electronically registering a user with a plurality of consumer providers, said method comprising the steps of:

receiving at each of a plurality of server systems a user profile comprising a plurality of profile elements transmitted in a particular transmittable data format for a particular user from a portable computer system, wherein each of said plurality of server systems is respectively associated with one of a plurality of consumer providers;

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inserting each of said plurality of profile elements respectively into a specified plurality of electronic registration elements required for electronic registration at a particular server system from among said plurality of server systems; and

transmitting a registration indicator for said particular user from said particular server system to said portable computer system in said particular transmittable data format, such that said particular user is automatically registered with said plurality of consumer providers by transmitting said single user profile to said plurality of server systems; and

transmitting a registration information from said particular server system to said portable computer system (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6 ; Fig. 9).

Klug further discloses that the user registration information with indicators of who the user has successfully registered with can be stored at the user device (Fig. 1; col 6, lines 27-35).

Klug further discloses user profile information (Fig. 3).

Klug discloses that the user utilizes the Internet and browsers and computers (Fig. 1).

Klug does not explicitly disclose the utilization of cookies, a portable computer, or targeting.

However, Meyer discloses registering a user or the user becoming a member (col 2, lines 6-15; col 16, lines 25-30), that the user device can be portable (), that a registration indicator such as a cookie can be stored on the user device (col 8, lines 17-25), and that XML can be utilized (col 39, lines 25-30; col 53, lines 9-20).

Meyer further discloses automatically filtering a plurality of products and services offered by said particular consumer provider according to said user profile for said particular user; and

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transmitting a specified offering from among said plurality of products and services to said portable computer system for said particular user (col 2, lines 29-46; col 3, lines 30-41; col 4, line 60-col 5, line 9).

Gardenswartz further discloses targeting a user and a user registering (col 3, lines 30-45), and utilizing the Internet (Fig. 1), and utilizing a portable computer device (col 11, lines 55-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's portable computer and Meyer's utilizing profile information for targeting and utilizing standard Internet technologies such as cookies and XML to Klug's utilizing the Internet and collecting of user profile information given to third party websites. One would have been motivated to do this in order to utilize the further location flexibility and convenient technical qualities of the Internet and to make better use of known user information for sending information of more likely interest to the user.

Claim 46, 52, 58: Klug and Meyer and Gardenswartz disclose the above and Klug further discloses storing said electronic registration in association with said particular registration indicator at said particular server system (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6; Fig. 9).

Claim 47, 53, 59: Klug and Meyer and Gardenswartz discloses the above and Klug further discloses that in response to receiving said registration indicator at said particular server system, retrieving said electronic registration for said particular user (Abstract; Fig. 1; Fig 2; Fig. 3; Fig. 5; Fig. 6; Fig. 9).

Response to Arguments

4. Applicant's arguments with respect to claims 45-49, 51-55, and 57-59 have been considered but are moot in view of the new ground(s) of rejection.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Baek (KR2001002032A) discloses multi-registration;
- b) Dancs (6,385,651) discloses multi-registration;
- c) Buzzard (CA 2287094 A1) discloses multi-registration;
- d) Goldhaber (5,794,210) discloses targeting;
- e) Gerace (5,848,396) discloses targeting and cookies
- f) Lockwood (5,576,951) discloses registration and targeting:

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“(33) Lockwood U.S. Pat. No. 5,576,951 is entitled "Automated Sales and Services System". A system composes individualized sales presentations for a prospective customer created from various textual and graphical information data sources to match the customer profile. The sales presentations are composed based upon, among others, customer profile information, and sales agent assessment data”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Patent Examiner
8/11/2005